

REMARKS/ARGUMENTS

Claims 1-29 remain in the application for further prosecution. Claims 1, 8, 15, 17, and 22-29 have been amended.

§ 112 Rejection

Claims 1 to 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement for including the term “performance tendencies.” Applicant has amended claims 1, 8, 15 and 22-29 to eliminate the term “performance tendencies” and thus request that the 112 rejection be withdrawn.

§103 Rejections

Claims 1, 2, 5, 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,050,895 A (Luciano), in view of U.S. Patent No. 6,045,446 A (Oshima) and U.S. Patent No. 5,435,554 A (Lipson).

Claims 3 to 6, 8 to 14, and 16 to 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano, Oshima, and Lipson in view of U.S. Patent No. 6,308,565 B1 (French et al).

Claims 1, 8, 15, 22 and 24 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano in view of Bourg (“Physics for Game Developers,” by David M. Bourg, © 2002 O’Reilly and Associates, Inc., hereafter referred to as “Physics”) and the Power Drive Rally (“Power Drive Rally” video game for the Atari Jaguar TM game system, © 1994 Atari Corporation, manual downloaded Oct. 26th, 2006 from www.replacementdocs.com, hereafter referred to as “Power Drive”).

The Luciano reference discloses a traditional wagering game such as video poker or slots combined with a dexterity/skill game which allows a player to control different on-screen objects. Lucinano allows the use of the same controller for both the traditional wagering game and the dexterity/skill game in order to satisfy regulatory requirements. (Col. 2, ll. 5-15; Col. 3, l. 62-Col. 4, l. 4). A player may play the dexterity/skill game to earn the opportunity to play the traditional wagering type game. (Col. 5, ll. 62-66). The dexterity/skill games have outcomes that are determined in relation to a player providing a particular input or inputs. (Col. 5, ll. 1-5). For example, a golf game allows a player to provide an input to simulate a golf shot and thus determine the outcome of the game based on the ending location of the golf shot. (Col. 8, ll. 4-20).

The remaining references are player skill type video games which use object modeling involving real world physical behavior using factors such as mass, velocity, trajectory, etc. to generate realistic graphics of object interaction. The object or objects are controlled by the player in order to control game outcomes. For example, Oshima discloses a track and field themed game where a player is provided a controller to throw a hammer. In order to successfully win the game, a player must manually operate the controller to throw the hammer in the correct direction at the correct time. (Col. 3, ll. 13-27; Col. 9, ll. 56-62). Similarly, Lipson discloses a baseball simulation game which allows a player with a user input device to control game operation such as pitching, batting and coaching. (Col. 3, ll. 48-60). The game allows real world factors to be controlled by the user to create a game simulation where game results depend on user operation. (Col. 3, ll. 61-68). The Power Drive game allows a player to assume control of a race car and improve game results through superior driving skill and use of special maneuvers. (pp. 3 and 12). The Physics reference is an instruction manual detailing modeling of objects in player

controlled games such as marksmanship in a hunting game (p. x), controlling the firing of a cannon (p. 34), and flying an airplane (pp. 238-239). All of the references relate to games where the outcome is controlled by the player and thus are player skill/dexterity games.

Claims 1 and 8 generally relate to a gaming system and method for a wagering type game in contrast to a dexterity/skill game. A system memory contains physical object data and simulation rule data. The simulation rule data includes interaction guidelines associated with a winning condition. A game outcome is randomly selected from a plurality of game outcomes in response to receiving a wager. The game outcomes include the winning condition. The physical object data and simulation rule data are processed to produce a realistic depiction of gaming activity on a display in response to the selection of the winning condition. A payoff is awarded if the winning condition is selected. Thus, the physical object data and simulation rule data resulting in the display of the object in a gaming activity represent a randomly determined outcome which cannot be controlled by the player. For example, the simulation rule data may include parameters describing how a simulated object works within a simulated environment to provide an entertaining activity for wagering. A winning condition is not within player control because it is a random outcome such as the bounce of a roulette ball, the deal of a playing card from a shuffled deck, or the running of a racing horse. This concept is neither disclosed nor suggested in the references of record.

With regard to the obviousness rejections, the Office Action has improperly combined the wagering game aspects of Luciano with the modeling of physical objects in the other video games references to reject the claims. There is still no motivation to use the physical data models in the other references with a two dimensional graphical object game disclosed by Luciano. The Examiner bases the motivation to combine references on the assertion that Luciano refers to

sports themed games and Luciano's games include collisions between objects. However, there is no reason to believe that one of ordinary skill in the art would look to complex physical data modeling which would incorporate factors such as mass, three-dimensional movement, and angular velocity to modify a game limited to inherently two-dimensional objects as disclosed by Luciano. The physical modeling in the other references goes well beyond the scope of Luciano's simplistic interactions between two dimensional graphical objects.

Even accepting the combination of these references, the pending amended claims are allowable. Applicant has amended claims 1 and 8 to include the element of randomly selecting a game outcome from a plurality of game outcomes, the game outcomes including a winning condition and where the simulation rule includes interaction guidelines associated with the winning condition. A combination of Luciano with any or all of the cited references would not result in a system or method that includes a randomly determined game outcome. The objects in Luciano incorporating interaction guidelines all relate to dexterity/skill games which rely on player input (i.e., via a joystick, buttons, etc.) to manipulate an object to determine game outcome. In other words, claims 1 and 8 do not relate to games of skill, rather they relate to wagering type games whose random game outcomes are represented by the physical object data and said simulation rule data. The combinations asserted by the Office Action also do not anticipate a randomly selected game outcome as all of the other references relate to games involving player manipulation of physical objects modeled with physical data to achieve a winning outcome. Amended claims 1 and 8 are thus allowable over the references of record. Claims 2-7 and 24-26 depend from claim 1 and claims 9-14, 23 and 27-28 depend from claim 8 and are similarly allowable.

Applicant has also amended claims 15 and 22 to include the element that the interaction of the objects include a plurality of outcomes having a winning condition and that the outcome of the interaction is randomly determined. Luciano and the other references do not disclose randomly determining outcomes from the interaction between physical objects. As explained above, Luciano does not disclose random determination of outcomes from object interaction. In fact, Luciano teaches the opposite, the dexterity/skill games involving objects such as a basketball game have predetermined outcomes based on the interaction of the objects. (Col. 7, ll. 4-12). In one example, Luciano explains that a player may control a golf shot to land in different areas to reach predetermined results such as the opportunity to play a traditional game with different paytables. (Col. 8, ll. 4-25). As explained above, the remaining references do not randomly determine game outcomes from object interaction as a player controls the objects and thus the game outcomes from interaction between objects. Since the outcome of interactions in the cited references is not randomly determined as now required by claims 15 and 22, these claims are allowable. Claims 16-21 depend from claim 15 and claim 29 depends from claim 22 and are similarly allowable.

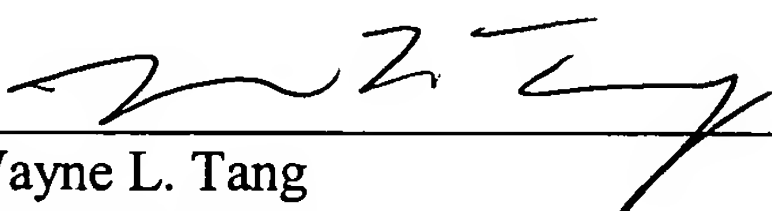
Conclusion

It is the Applicants' belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,

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